

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KAQUAN AMERSON,

Defendant.

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CASE NO. 8:08CR283

ORDER

This matter is before the Court on the Defendant's motion for leave to file a notice of appeal out of time (Filing No. 63).

Defense counsel requests leave to file a notice of appeal out of time based on excusable neglect. The Defendant wishes to appeal the denial of his pretrial motion to dismiss. Any possible excusable neglect aside, the Defendant did not sign a conditional plea agreement, and his plea agreement states:

13. The Defendant hereby knowingly and expressly waives any and all rights to appeal the Defendant's conviction and sentence in this case, including a waiver of all motions, defenses, and objections which the Defendant could assert to the charges or to the Court's entry of Judgment against the Defendant, and including review pursuant to 18 U.S.C. § 3742 of any sentence imposed.

(Filing No. 46.)

For the reason that the Defendant did not preserve, and waived, the right to appeal the issue in question, the motion is denied.

IT IS ORDERED that the Defendant's motion for leave to file a notice of appeal out of time (Filing No. 63) is denied.

DATED this 24th day of April, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge